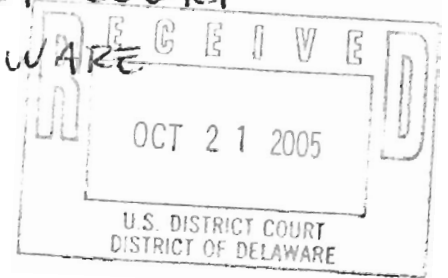


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE



Jimmie Lewis

V.

CA. NO. 04-1350(GMS)

DR. SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER AND
MR. GREY,

ANSWER TO DEFENDANTS MOTION
TO DISMISS FOR LACK OF JURISDICTION

COMES NOW, THE PLAINTIFF JIMMIE LEWIS, PRO SE,
ANSWER TO DEFENDANTS MOTION TO DISMISS FOR LACK
OF JURISDICTION, AND IN SUPPORT ASSERTS THE FOLLOWING:

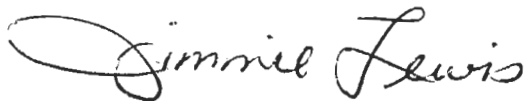
- 1.) THE DEFENDANT(S) ASSERT THAT UNDER FEDERAL
RULES, WHEN EVER IT APPEARS BY SUGGESTION OF
THE PARTY OR OTHERWISE THAT THE COURT LACKS
THE JURISDICTION OF THE SUBJECT MATTER, THE COURT
SHALL DISMISS THE ACTION CITING FED R. CIV PRO -
12(H)(3) AND TRENT REALTY ASSOC V. FIRST FEDERAL
SAVINGS AND LOAN ASSOC, 637 F2d. 2936 -
(3RD CIR. 1981);

- 2.) THE DEFENDANT(S) ASSERT THAT, IN ORDER FOR THE COURT TO INVOKE ITS JURISDICTION, DIVERSITY MUST BE COMPLETE, AND THAT THE PLAINTIFF MADE NO ASSERTIONS REGARDING THE RESIDENCES OF ANY PARTY TO THIS ACTION;
- 3.) SUBSEQUENTLY, TO THE DEFENDANT(S) FILING MOTION TO DISMISS FOR LACK OF JURISDICTION, I, THE PLAINTIFF JIMMIE LEWIS, FILED A MOTION REQUESTING THE COURTS PERMISSION TO AMEND THE COMPLAINT IN ORDER TO CURE (SAID) DEFICIENCIES;
- 4.) I, THE PLAINTIFF JIMMIE LEWIS, FILED THE AMEND COMPLAINT WITH THE COURT ON OR ABOUT AUG 11, 2005, AND WITH CYNTHIA G. BEAM ESQ, ATTORNEY FOR DR. SYLVIA FOSTER ON OR ABOUT AUG 26, 2005, AND WITH PHEBE S. YOUNG ESQ, ATTORNEY FOR MR. ROBERT GRAY A.K.A (GREY), ON OR ABOUT SEPT 6, 2005,
- 5.) SAID AMENDED COMPLAINT WAS PRESENTED WITH A JS 44 CIVIL COVER SHEET CONTAINING PLEADINGS REGARDING THE PLAINTIFF AS WELL AS THE DEFENDANT(S) IN THIS ACTION, CITING THE FOLLOWING :
 - A.) BASIS FOR JURISDICTION IS, DIVERSITY,
 - B.) CITIZENSHIP OF PLAINTIFF IS, CITIZEN OF ANOTHER STATE,
 - C.) CITIZENSHIP OF DEFENDANT(S), IS CITIZEN OF ~~ANOTHER STATE~~ THIS STATE,
 - D.) U.S. CIVIL STATUTE UNDER WHICH THE CLAIM IS FILED, 28 U.S.C. A § 1332,

6.) IN REGARDSTO THE AMENDED PLEADINGS CITING 28 U.S.C.A § 1332 (2), ALONG WITH THE FACT THAT I SEEK TO OBTAIN A PRELIMINARY INTUNCTION, TOGETHER WITH NOMINAL, PUNITIVE, AND COMPENSATORY RELIEF TO THE SUM OF 20 MILLION DOLLARS, VERIFY THAT SAID DEFICIENCIES HAVE BEEN CURED, AND THAT THE COURT INDEED DOES HAVE THE AUTHORITY TO INVOKE JURISDICTION REGARDING THIS ACTION.

WHEREFORE, FOR THE FURGOING REASONS DEFENDANTS) MOTION REQUESTING THAT THE COMPLAINT BE DISMISSED FOR LACK OF JURISIDITION SHOULD BE DENIED.

DATE: 10/11/05


SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS,

V.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, STAFF
MEMBERS, THE DELAWARE
PSYCHIATRIC CENTER AND
MR. GREY,

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED, DO HEREBY CERTIFY ON THIS 11TH DAY
OF OCT, 2005, THAT (2) TWO TRUE AND CORRECT COPIES OF
PLAINTIFF'S JIMMIE LEWIS, ANSWER TO DEFENDANTS MOTION
TO DISMISS FOR LACK OF JURISDICTION, HAS BEEN SERVED
BY U.S. MAIL TO THE FOLLOWING :

PIHEBE S. YOUNG #1043
DEPUTY ATTORNEY GENERAL
CARVEL STATE OFFICE BUILDING
820 N. FRENCH ST, 6TH FLOOR
WILMINGTON, DE 19801
ATTORNEY FOR DEFENDANT(S)
MR. ROBERT GRAY A.K.A (GREY),
AND THE DELAWARE PSYCHIATRIC
CENTER.

Jimmie Lewis
SBI # 506622
DEL. CORR. CENTER
1181 PADDOCK RD
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CERTIFICATE OF SERVICE

I, THE UNDERSIGNED, DO HEREBY CERTIFY ON THIS 11TH DAY
OF OCT, 2005, THAT (2) TWO TRUE AND CORRECT COPIES
OF PLAINTIFF'S JIMMIE LEWIS' ANSWER TO DEFENDANTS
MOTION TO DISMISS FOR LACK OF JURISDICTION, HAVE BEEN
SERVED BY U.S. MAIL TO THE FOLLOWING :

CYNTHIA G. BEAM ESQ
DEL. STATE BAR I.D NO. 2565
1001 JEFFERSON PLAZA, SUITE 202
WILMINGTON, DE 19801
ATTORNEY FOR DEFENDANT DR. SYLVIA FOSTER,
AND THE DELAWARE PSYCHIATRIC CENTER

DATE: 10/11/05

Jimmie Lewis
SB# 506622
DEL. CORR. CENTER
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MR. GREY,

CERTIFICATE OF SERVICE

I, THE UNDERSIGNED, DO HEREBY CERTIFY ON THIS 11TH DAY
OF OCT, 2005, THAT (1) ONE TRUE AND CORRECT COPY OF
PLAINTIFF'S JIMMIE LEWIS', ~~NUMBER~~ ANSWER TO
DEFENDANT(S) MOTION TO DISMISS FOR LACK OF JURISDICTION,
HAS BEEN SERVED BY U.S. MAIL TO THE FOLLOWING :

JUDGE GREGORY M. SLEET
UNITED STATES DISTRICT COURT
J. CALEB BOGGS FEDERAL BUILDING
844. N. KING ST, LOCK BOX 19
WILMINGTON, DELAWARE 19801

DATE : 10/11/05

Jimmie Lewis
SBI# 506622
DEL. CORR. CENTER
1181 PADDOCK RD
SMYRNA, DE 19977